

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ESTEBAN HERNANDEZ,

Plaintiff,

v.

HOWELL, *et al.*,

Defendants.

Case No. 2:18-CV-01449-MMD-CLB

**ORDER GRANTING IN PART
HERNANDEZ'S MOTION TO
EXTEND TIME**

[ECF No. 107]

This case involves a civil rights action filed by Plaintiff Esteban Hernandez ("Hernandez") asserting Defendants violated his Eighth Amendment rights due to their deliberate indifference of his serious medical need by failing to treat his Hepatis-C ("Hep-C.") Currently pending before the Court is Hernandez's "Motion for Continuance Under Rule 54(f), Motion for Extension of Time to Respond to Defendants' Motion for Summary Judgment." (ECF No. 107.) In sum, this motion seeks a continuance to permit Hernandez to seek obtain additional items from Defendants in discovery. Implied in this motion and the title, however, Hernandez also seeks an extension of time to file his opposition to Defendants' motion for summary judgment.

This case was consolidated for the purpose of discovery with other cases alleging deliberate indifference claims concerning the policy of the Nevada Department of Corrections ("NDOC") for treating hepatitis C in an action entitled, "In Re: HCV Litigation, Case No. 3:19-CV-0577-MMD-CLB." (ECF No. 12.) Discovery was conducted by appointed counsel in that action and is available for Hernandez's review. (ECF No. 42.)

Thereafter, the Court granted additional limited discovery only to Hernandez's "individual claims that were not subject of any previous discovery conducted in the HCV consolidated litigation." (*Id.*) Discovery was initially set to end on May 18, 2021. (*Id.*) On June 30, 2021, Defendants were ordered to provide Hernandez a copy of his medical records, at Defendants' expense, and discovery was extended to September 28, 2021.

1 (ECF No. 68.) Again at Hernandez's request, discovery was extended a second time to
2 December 29, 2021 for a total of 285 days of discovery. (ECF Nos. 72.) Due to
3 complications concerning the service of Dr. Henry Landsman, M.D. ("Landsman"), (ECF
4 No. 74), discovery was extended "as to Landsman only" to March 14, 2022. ECF No. 91.)
5 Thereafter, a motion for summary judgment was filed on April 14, 2022. (ECF No. 102.)

6 Due to the extensive discovery period that has been granted in this case, the Court
7 **DENIES** Hernandez's motion to the extent he is requesting a continuance of discovery.
8 (ECF No. 107.) To the extent Hernandez is requesting an extension of time to file an
9 opposition to Defendants' motion for summary judgment, the request is **GRANTED**. (*Id.*)
10 Hernandez shall file an opposition on or before **Monday, June 6, 2022**.

11 **DATED:** April 25, 2022.

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UNITED STATES MAGISTRATE JUDGE
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